

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NOS. 1034 & 802**  
**94TH GENERAL ASSEMBLY**

Reported from the Special Committee on Utilities April 21, 2008 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1034 & 802 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4360L.13C

**AN ACT**

To repeal section 407.300, RSMo, and to enact in lieu thereof five new sections relating to scrap metal, with penalty provisions and an emergency clause.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 407.300, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 407.300, 407.301, 407.302, 407.303, and 570.055, to read as follows:

407.300. 1. Every **purchaser or** collector of, or dealer in, junk, **scrap metal**, or any secondhand property shall keep a register [which shall contain the name and address of the person from whom] **containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this section is obtained for value. There shall be a separate record for each transaction involving any:**

(1) Copper, **brass, or bronze;**

(2) Aluminum wire [or is purchased,] , cable, **pipe, tubing, bar, ingot, rod, fitting, or fastener; or**

(3) Material containing copper or aluminum that is knowingly used for farming purposes as "farming" is defined in section 350.010, RSMo;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 whatever may be the condition or length of such [copper wire or cable] **metal. The record shall**  
13 **contain the following data: A copy of the driver's license or photo identification issued by**  
14 **the state or by the United States government or agency thereof to the person from whom**  
15 **the material is obtained, which shall contain a current address of the person from whom**  
16 **the material is obtained;** [the residence or place of business and driver's license number of such  
17 person;] **and the date, time, and place of and a full description of each such purchase or trade**  
18 **including the quantity by weight thereof; and shall permit any peace officer to inspect the**  
19 **register at any reasonable time].**

20 **2. The records required under this section shall be maintained for a minimum of**  
21 **twenty-four months from when such material is obtained and shall be available for**  
22 **inspection by any law enforcement officer.**

23 **3. Anyone convicted of violating this section shall be [fined not less than twenty-five**  
24 **dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more**  
25 **than six months, or both] guilty of a class A misdemeanor.**

26 **4. This section shall not apply to any of the following transactions:**

27 **(1) Any transaction for which the total amount paid for all regulated scrap metal**  
28 **purchased or sold does not exceed fifty dollars;**

29 **(2) Any transaction for which the seller, including a farm or farmer, has an existing**  
30 **business relationship with the scrap metal dealer and is known to the scrap metal dealer**  
31 **making the purchase to be an established business or political subdivision that operates a**  
32 **business with a fixed location that can be reasonably expected to generate regulated scrap**  
33 **metal and can be reasonably identified as such a business; or**

34 **(3) Any transaction for which the type of metal subject to subsection 1 of this**  
35 **section is a minor part of a larger item, except for equipment used in the generation and**  
36 **transmission of electrical power or telecommunications.**

**407.301. 1. No scrap metal dealer shall knowingly purchase or possess a metal beer**  
2 **keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any**  
3 **premises that the dealer uses to buy, sell, store, shred, melt, cut, or otherwise alter scrap**  
4 **metal except when the purchase is from the brewer or its authorized representative. For**  
5 **purposes of this section, "keg" shall have the same meaning as in section 311.082, RSMo.**

6 **2. Anyone who is found guilty of, or pleads guilty to, violating this section shall be**  
7 **guilty of a class A misdemeanor punishable only by fine. Nothing in this section shall be**  
8 **construed to preclude a person violating this section from also being prosecuted for any**  
9 **applicable criminal offense.**

**407.302. 1. No scrap yard shall purchase any metal that can be identified as**  
2 **belonging to a public or private cemetery or to a political subdivision or electrical**  
3 **cooperative, municipal utility, or a utility regulated under chapter 386 or 393, RSMo,**

4 including bleachers, guardrails, signs, street and traffic lights or signals, and manhole  
5 cover or covers, whether broken or unbroken, from anyone other than the cemetery or  
6 monument owner, political subdivision, electrical cooperative or utility, or manufacturer  
7 of the metal or item described in this section unless such person is authorized in writing  
8 by the cemetery or monument owner, political subdivision, electrical cooperative or utility,  
9 or manufacturer to sell the metal.

10 2. Anyone convicted of violating this section shall be guilty of a class B  
11 misdemeanor.

407.303. 1. Any scrap metal dealer paying out an amount that is five hundred  
2 dollars or more shall make such payment in the form of a check or shall pay by any  
3 method in which a financial institution makes and retains a record of the transaction.

4 2. This section shall not apply to any transaction for which the seller has an existing  
5 business relationship with the scrap metal dealer and is known to the scrap metal dealer  
6 making the purchase to be an established business or political subdivision that operates a  
7 business with a fixed location that can be reasonably expected to generate regulated scrap  
8 metal and can be reasonably identified as such a business.

570.055. Any person who steals or appropriates, without consent of the owner, any  
2 wire, electrical transformer, metallic wire associated with transmitting  
3 telecommunications, or any other device or pipe that is associated with conducting  
4 electricity or transporting natural gas or other combustible fuels shall be guilty of a class  
5 C felony.

Section B. To protect Missouri's citizens from the safety hazards and property loss  
2 associated with increasing metal theft, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is hereby declared  
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be  
5 in full force and effect upon its passage and approval.

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